

ESTTA Tracking number: **ESTTA630861**

Filing date: **10/03/2014**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91213743
Party	Defendant Al-Jazeera Satellite Channel
Correspondence Address	KEVIN G SMITH SUGHRUE MION PLLC 2100 PENNSYLVANIA AVE NW WASHINGTON, DC 20037-3202 UNITED STATES tm@sughrue.com, vmullineaux@sughrue.com, mwihte@sughrue.com, gkrugnan@sughrue.com
Submission	Motion to Amend/Amended Answer or Counterclaim
Filer's Name	Gary D. Krugman
Filer's e-mail	tm@sughrue.com, vmullineaux@sughrue.com, gkrugman@sughrue.com, ksmith@sughrue.com
Signature	/Gary D. Krugman/
Date	10/03/2014
Attachments	H00191Applicant'sMotionforLeavetoAmendAnswerandAmendedAnswerasfiled.pdf(128732 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In re U.S. Application Serial No. 85/639,289
Mark: BEIN SPORT

BE SPORT, INC.,

Opposer,

v.

AL-JAZEERA SATELLITE CHANNEL,

Applicant.

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Opposition No. 91213743

APPLICANT'S MOTION FOR LEAVE TO AMEND ANSWER

Applicant, by its attorneys, hereby moves for leave to amend its answer to assert the affirmative defense of *res judicata*.

The affirmative defense of *res judicata* is predicated on the Board's recent decision dated September 2, 2014 in connection with Opposition No. 91212091.

Applicant, concurrently with the filing of this Motion for Leave to Amend Answer to assert the affirmative defense of *res judicata*, is filing its Amended Answer to Notice of Opposition, as well as its Motion for Summary Judgment on this issue.

In view of the recent Decision by the Board in Opposition no. 91212091, on September 2, 2014, it is submitted that justice requires that applicant be allowed to raise this affirmative defense, and that such leave to amend its answer should be granted.

Accordingly, applicant respectfully requests that its Motion for Leave to Amend Answer be granted, that the Amended Answer be accepted, and that the Motion for Summary Judgment be considered on the merits. This proceeding should otherwise be suspended.

Respectfully submitted,

Al-Jazeera Satellite Channel



By: _____

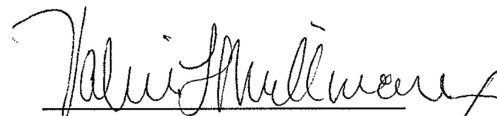
Gary D. Krugman
Kevin G. Smith
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SUGHRUE MION, PLLC
2100 Pennsylvania Avenue, N.W.
Washington, D.C. 20037-3202
Phone: (202) 293-7060
Attorneys for Applicant

Date: October 3, 2014

CERTIFICATE OF SERVICE

The undersigned certifies that on this 3rd day of October 2014, a true and correct copy of the foregoing **APPLICANT'S MOTION FOR LEAVE TO AMEND ANSWER; and the attached APPLICANT'S AMENDED ANSWER TO NOTICE OF OPPOSITION** was sent to opposer's attorney of record via First Class Mail, postage prepaid, and to:

Connie L. Ellerbach, Esq.
Fenwick & West LLP
801 California Street
Mountain View, CA 94041-1990



Valerie L. Mullineaux

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Opposition No. 91213743

APPLICANT'S AMENDED ANSWER TO NOTICE OF OPPOSITION

Applicant, Al-Jazeera Satellite Channel, a private institution of public benefit organized under the country of Qatar, with a principal place of business in Doha, Qatar, by its undersigned attorney, hereby answers the allegations set forth in the Notice of Opposition as follows:

1. Admitted.
2. Admitted.
3. Applicant admits that attached to the Notice of Opposition are papers which appear to be US PTO excerpts of U.S. Trademark Application Serial No. 85/413,573 for the mark BE SPORT. Applicant otherwise has insufficient knowledge or information upon which to form a belief as to truth of the allegations set forth in Numbered Paragraph 3 of the Notice of Opposition and, therefore, Applicant denies said allegations.
4. Admitted.

5. Applicant has insufficient knowledge or information upon which to form a belief as to truth of the allegations set forth in Numbered Paragraph 5 of the Notice of Opposition and, therefore, Applicant denies said allegations.

AFFIRMATIVE DEFENSES

1. Applicant asserts that this Opposition is barred by the doctrine of *res judicata*, in view of the Board's September 2, 2014 decision in Opposition No. 91212091.

WHEREFORE, Applicant prays that the opposition be dismissed with prejudice, and that the subject application proceed to registration.

Respectfully submitted,

AL-JAZEERA SATELLITE CHANNEL



By: _____

Kevin G. Smith
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Date: October 3, 2014